

**COHN LIFLAND PEARLMAN  
HERMMANN & KNOFF LLP**

PETER S. PEARLMAN  
Park 80 Plaza West One  
Saddle Brook, NJ 07663  
201-845-9600  
201-845-9423 (fax)

*Attorney for Plaintiff*

*[Additional counsel listed on signature page]*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

DOMINICK SAMMARONE, DANIEL  
SOGLUIZZO, ARA M. MESROPIAN, and  
all others similarly situated,

Plaintiffs,

v.

MORTGAGEIT, INC.

Defendant.

Civil Action No. 2:07-cv-03839-WHW-MCA

**AMENDED COMPLAINT  
AND JURY DEMAND**

Plaintiffs, Dominick Sammarone residing at 588 S/W Saint Johns Bay, Port Saint Lucie, Florida, Ara M. Mesropian residing at 329 Georgian Drive, Paramus, New Jersey and Daniel Sogluizzo residing at 96 Starmond Drive, Clifton, New Jersey, by their attorneys, for their amended complaint against defendant, MortgageIT, Inc. (“Defendant” or “MortgageIT”) state as follows:

**NATURE OF THE CASE**

1. This is an action for monetary damages, declaratory and injunctive relief and other equitable and ancillary relief, brought pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”).

## **JURISDICTION AND VENUE**

2. The Court has jurisdiction over the claim asserted in the action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction).

3. Venue is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this District.

## **PARTIES**

4. Plaintiffs are the individuals named above and those who file consent forms with the Court. Plaintiff Dominick Sammarone is currently a resident of Point St. Lucie, Florida. At the time of the events in issue, Mr. Sammarone was a resident of Piermont, New York. Daniel Sogluizzo is a resident of Clifton, New Jersey. At the time of the events in issue, Mr. Sammarone, Mr. Mesropian and Mr. Sogluizzo all worked out of the Englewood, New Jersey office of MortgageIT.

5. MortgageIT is or was doing business in the State of New Jersey throughout the United States.

6. MortgageIT managed the work of Plaintiffs and other similarly situated employees, including the amount of overtime required to be worked, in Defendant's New Jersey office(s).

7. Plaintiffs bring this action, pursuant to 29 U.S.C. §216(b) of the FLSA, on behalf of themselves and other past and present similarly situated employees who worked for MortgageIT in New Jersey on or after January 1, 2006.

### **GENERAL ALLEGATIONS**

8. Plaintiffs repeat and re-allege paragraphs 1 through 7 as though fully set forth herein.

9. Plaintiffs and the similarly situated employees have been employed as loan officers (also known as "mortgage brokers," "mortgage consultants," "mortgage salespersons" and other similar titled positions) for Defendant in New Jersey.

10. This action is brought as a collective action to recover unpaid overtime compensation, liquidated damages, unlawfully withheld wages, statutory penalties and damages owed to Plaintiffs and all other loan officers employed by, or formerly employed in New Jersey by MortgageIT, and its subsidiaries and affiliated companies.

11. During the period beginning January 1, 2006, Plaintiffs and the similarly situated employees in New Jersey routinely worked in excess of forty (40) hours per week without overtime compensation.

12. This widespread practice violates the FLSA, specifically 29 U.S.C. § 207(a)(1). As a result of this unlawful practice, Plaintiffs and the similarly situated employees in New Jersey suffered a loss of wages.

### **COUNT I**

#### **FAIR LABOR STANDARDS ACTION 29 U.S.C. § 201 ET SEQ.**

13. Plaintiffs re-allege Paragraphs 1 through 12 as though fully set forth herein.

14. The foregoing actions of Defendant constitute violations of the FLSA, 29 U.S.C. § 201, *et seq.*

15. Defendant's actions were willful and not in good faith.

16. Defendant is liable to Plaintiffs for actual damages, liquidated damages and equitable relief, pursuant to 29 U.S.C. § 216(b).

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiffs, Dominick Sammarone, Daniel Sugluzzo and Ara M. Mesropian, individually and on behalf of all others similarly situated, by and through their attorneys, demand judgment against the Defendant and in favor of the Plaintiffs and all others similarly situated, for a sum that will properly, adequately and completely compensate Plaintiffs for the nature, extent and duration of their damages, the costs of this action and as follows:

- a. Declare and find that the Defendant willfully violated overtime provisions of the FLSA by failing to pay overtime wages to Plaintiffs and similarly situated persons who opt-in to this action;
- b. Award compensatory damages, including all overtime pay owed, in an amount according to proof;
- c. Award interest on all overtime compensation due accruing from the date such amounts were due;
- d. Award an equal amount as liquidated damages;
- e. All costs and attorney's fees incurred prosecuting this claim;
- f. For such further relief as the Court deems just and equitable.

**JURY DEMAND**

Plaintiffs demand trial by jury.

Respectfully submitted,

Dated: August 19, 2009

*s/Peter S. Pearlman*

Peter S. Pearlman

Cohn, Lifland, Pearlman, Herrmann & Knopf, LLP

Park 80 Plaza West One

Saddle Brook, NJ 07663

(201) 845-9600

Attorneys for Dominick Sammarone, Daniel  
Sogluizzo, and Ara Mesropian and those Opt-Ins  
who have not selected other counsel